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Xerox Corporation
c/o Joseph E. Root
1809 Jones Cove Rd.
Clyde, NC 28721

EXAMINER

SHAH, MEHULKUMAR J

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte NISCHAL M. PIRATIA, KOVENDHAN PONNAVAIKKO,
and PRATYUSH PRASANNA

Appeal 2017-002754
Application 13/568,128
Technology Center 2400

Before CAROLYN D. THOMAS, KARA L. SZPONDOWSKI, and
PHILLIP A. BENNETT, *Administrative Patent Judges*.

THOMAS, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants seek our review under 35 U.S.C. § 134(a) of the Examiner's Final Rejection of claims 1–3, 6–16, and 19–22, all the pending claims in the present application. Claims 4, 5, 17, 18, 23, and 24 are canceled. *See* App. Br. 2. We have jurisdiction over the appeal under 35 U.S.C. § 6(b).

We AFFIRM.

The present invention relates generally to using a scanning device for sending scanned output to mobile devices using the mobile device operator's network. *See* Abstract.

Claim 1 is illustrative:

1. A method of utilizing a scanning device for sending scanned output to mobile devices, comprising:
 - scanning one or more documents as input;
 - saving the scanned output in a pre-defined format;
 - receiving a phone number of a destination mobile device;
 - identifying a corresponding operator associated with the phone number, including translating the received phone number into operator information; and
 - sending the scanned output to the mobile device using a mobile device operator's network,
 - wherein the scanned output is sent to the mobile device as a Multimedia Messaging Service (MMS) or Short Messaging Service (SMS).

Appellants appeal the following rejections:¹

R1. Claims 1–3, 6–9, 12, 14–16, and 21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Watanabe (US 2012/0050818 A1, Mar. 1, 2012), Macaluso (US 2008/0004079 A1, Jan. 3, 2008), and Yadav-Ranjan (US 8,385,897 B1, Feb. 26, 2013);

R2. Claims 10, 11, 19, and 20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Watanabe, Macaluso, Yadav-Ranjan, and Love (US 2014/0006342 A1, Jan. 2, 2014); and

¹ Appellants indicate that the Examiner's rejection of claims 14–22 as falling under 35 U.S.C. § 112(f) for not meeting the requirements of that provision was withdrawn in the Advisory Action dated September 14, 2015 (*see* App. Br. 4).

R3. Claims 13 and 22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Watanabe, Macaluso, Yadav-Ranjan, and Kasower (US 2007/0043577 A1, Feb. 22, 2007).

ANALYSIS

Issue: Did the Examiner err in finding that Watanabe, Macaluso, and Yadav-Ranjan collectively teach or suggest identifying a corresponding operator associated with the phone number, as set forth in claim 1?

Appellants contend that in Yadav-Ranjan “the system *knows the identity of the wireless carrier operator*. It does not say that the system identifies an operator for an individual telephone number, as required by the pending claims” (App. Br. 6). Appellants further contend that “in Macaluso’s invention, if the phone number is known, and the operator is also known[,] Macaluso never deals with the problem of coping with a telephone number by itself. Thus, neither Macaluso nor Yadav-Ranjan discloses . . . identification of a cellular carrier” (App. Br. 7).

In response, the Examiner finds that in Yadav-Ranjan “[t]o know the identity of the wireless carrier operator is to ‘identify the corresponding operator’, and that operator is most certainly ‘associated with the phone number’ because it is the carrier of the number” (Ans. 3). The Examiner further finds that “Macaluso discloses in paragraph 0024 ‘a user enters a phone number and [...] based on the phone number entered, a wireless network carrier associated with the phone number is identified’” (*id.*) (emphasis omitted). We agree with the Examiner.

We refer to, rely on, and adopt the Examiner's findings and conclusions set forth in the Answer. Our discussions here will be limited to the following points of emphasis.

For example, Macaluso discloses that “[a] user enters a phone number associated with a mobile communication device (e.g., a cellular phone) at **210**, and based on the phone number entered, a wireless network carrier associated with the phone number is identified. . . . Identifying the wireless network allows a determination of the wireless user account . . .” (¶ 24). Thus, contrary to Appellants’ contention, Macaluso clearly identifies the corresponding cellular carrier associated with the cellular phone number.

In addition, Yadav-Ranjan discloses a “messaging unit **24** . . . that converts a cell phone number of a user into an email message . . . For example, a cell phone number of 408-555-1212 on the Verizon carrier system is converted into 4085551212@vztext.com” (2:51–62). Thus, we agree with the Examiner that the combined teaching of Macaluso and Yadav-Ranjan teach or suggest *identifying a corresponding operator associated with the phone number, including translating the received phone number into operator information*, as set forth in claim 1.

Therefore, for at least the reasons noted *supra*, we find unavailing Appellants’ contention that “neither Macaluso nor Yadav-Ranjan discloses . . . identification of a cellular carrier” (*see* App. Br. 7).

Accordingly, we sustain the Examiner’s rejection of claim 1. Appellants’ arguments regarding the Examiner’s rejection of independent claim 14 rely on the same arguments as for claim 1, and Appellants do not argue separate patentability for the dependent claims. *See* App. Br. 5–8. We

Appeal 2017-002754
Application 13/568,128

therefore also sustain the Examiner's rejection of claims 2, 3, 6–16, and 19–22.

DECISION

We affirm the Examiner's § 103(a) rejections R1–R3.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED